

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES JOHN SCOVELL, II,

Petitioner,

vs.

TODD BAHENSKY,

Respondent.

4:25CV3001

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On May 2, 2025, the Court denied Petitioner's Motions for Leave to Proceed in Forma Pauperis ("IFP"), Filing Nos. 7 & 8, and ordered Petitioner to update his address within 30 days. *See* Filing No. 12. The Court also instructed the Clerk of the Court to send a copy of the Court's Memorandum and Order to Petitioner's last known address and to Petitioner in the San Luis Obispo County Jail in California. *Id.* The copy of the Memorandum and Order was returned as undeliverable. *See* Filing No. 13.

A search of the California Department of Corrections & Rehabilitation's Incarcerated Records and Information Search¹ reveals that Petitioner is now incarcerated in Wasco State Prison.² The Court will send a copy of this Memorandum and Order, as well as the Court's Memorandum and Order dated May 2, 2025, Filing No. 12, to Petitioner at the mailing address listed for the

¹ The Court takes judicial notice of the records related to Petitioner available to the public. *See Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (court may take judicial notice of judicial opinions and public records); Federal Rule of Evidence 201 (providing for judicial notice of adjudicative facts).

² Available at <https://ciris.mt.cdcr.ca.gov/details?cdcrNumber=CB0439> (last visited, June 9, 2025).

Wasco State Prison. The Court will also extend the deadline for Petitioner to pay the \$5.00 filing fee and update his address.

IT IS THEREFORE ORDERED that:

1. Petitioner must pay the \$5.00 filing fee within 30 days of the date of this Memorandum and Order. Petitioner is warned that if the fee is not paid as required, the Court may dismiss this case without further notice.

2. No further review of this case will take place until the filing fee is paid.

3. Plaintiff must update his address within 30 days. Failure to do so will result in dismissal of this action without further notice to Plaintiff.

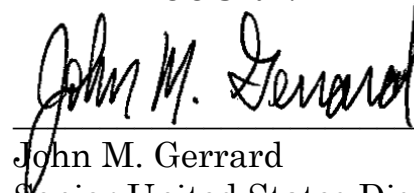
4. The Clerk of the Court is directed to send a copy of this Memorandum and Order and the Court's Memorandum and Order dated May 2, 2025, Filing No. 12, to Petitioner at the following address:

Scovell, Charles John II
CDCR Number: CB0439
701 Scofield Ave.
P.O. Box 8800
Wasco, CA 93280

6. The Clerk of the Court is directed to set a pro se case management deadline in this case using the following text: **July 9, 2025**: deadline for Petitioner to pay \$5.00 filing fee and to update address.

Dated this 9th day of June, 2025.

BY THE COURT:

A handwritten signature in black ink, reading "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
Senior United States District Judge